

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**SB 2600 – HB 2639**

March 6, 2018

**SUMMARY OF ORIGINAL BILL:** Authorizes a court to electronically report to the Department of Safety (DOS) that the court has suspended a person's driver's license if that person has been convicted of evading arrest.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (013323):** Deletes and rewrites the proposed legislation to enhance physical abuse and gross neglect of an impaired adult to first degree murder if the victim dies during the perpetration of the abuse or gross neglect.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Expenditures – \$246,600 Incarceration\***

Assumptions for the bill as amended:

- Tennessee Code Annotated § 39-13-202 defines first degree murder as the premeditated and intentional killing of another, a killing of another committed in the perpetration of, or attempt to perpetrate any first degree murder, act of terrorism, arson, rape, robbery, burglary, theft, kidnapping, aggravated child abuse, aggravated child neglect, rape of a child, aggravated rape of a child or aircraft piracy, and the killing of another committed as the result of the unlawful throwing, placing or discharging a destructive device or a bomb.
- The proposed legislation adds physical abuse or gross neglect of an impaired adult to the offenses that, if committed and resulted in the killing of another, would constitute first degree murder.
- Tennessee Code Annotated § 71-6-119 provides that the physical abuse and gross neglect of an impaired adult is a class C felony.
- The proposed legislation would provide that death resulting from a violation of Tenn. Code Ann. § 71-6-119 to be punishable as first degree murder.

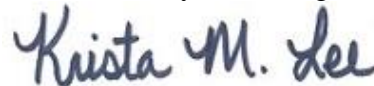
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- According to the Administrative Office of the Courts there have been an average of six convictions per year over the last five years under Tenn. Code Ann. § 71-6-119.
- Of those six convictions it is assumed that 10 percent ( $6 \times .10 = 0.6$ ), or one, would result in the death of another, and, therefore, result in a first degree murder conviction under the proposed legislation.
- According to the Department of Correction (DOC), there has been one admission over the past 10 years for a conviction for a class C felony violation of Tenn. Code Ann. § 71-6-119.
- According to the DOC, the average operating cost per offender per day for FY17-18 is \$71.08.
- Population growth and recidivism will not affect these admissions.
- The average time served for first degree murder is 15.89 years; the average time served for a class C felony is 6.39 years.
- It is assumed that the one offender serving time for the class C felony would be the same offender to be convicted of first degree murder. The proposed legislation will result in each admission serving an additional 9.5 years ( $15.89 - 6.39$ ).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender serving 9.5 years (3,469.88 days) at a cost of \$246,639 ( $\$71.08 \times 3,469.88$  days).

*\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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